

Brian D. Clark
bdclark@locklaw.com
Phone: 612.339.6900

LOCKRIDGE
GRINDAL
NAUEN
P. L. L. P.

Attorneys at Law

www.locklaw.com

MINNEAPOLIS
Suite 2200
100 Washington Avenue South
Minneapolis, MN 55401-2179
T 612.339.6900
F 612.339.0981

June 10, 2020

Hon. John R. Tunheim
Chief Judge
United States District Court
District of Minnesota
300 South Fourth Street
Minneapolis, MN 55415

Re: *In re Pork Antitrust Litigation*, Civ. No. 18-cv-1776 (JRT/HB);
Commonwealth of Puerto Rico v. Agri Stats, Inc., Civ. No. 19-2723
(JRT/HB); *Winn-Dixie Stores, Inc. v. Agri Stats, Inc.*, Civ. No. 19-1578
(JRT/HB)

Dear Judge Tunheim:

We write on behalf of all Plaintiffs to alert the Court to the following subsequent legal authority. *See D&M Farms v. Birdsong Corp.*, 2020 WL 2501444, at *3, Case No. 2:19-cv-463 (E.D. Va. May 14, 2020) (denying motion to dismiss). Plaintiffs submit this decision as pertinent to Plaintiffs' Opposition to Defendants' Joint Motion to Dismiss filed by Commercial and Institutional Indirect Purchaser Plaintiffs, Consumer Indirect Purchaser Plaintiffs, Direct Purchaser Plaintiffs ("Plaintiffs' Opp.") (ECF No. 476). The decision supports Plaintiffs' arguments that the examination of the complaint is limited to the sufficiency of the factual allegations supporting the inference of a price fixing conspiracy (Plaintiffs' Opp. at 15-24) and that the defendants' alternative explanations do no more than illuminate the disputes between the parties (Plaintiffs' Opp. at 29-33).

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Plaintiffs also wish to alert the Court to the civil subpoenas issued by the Justice Department to the four biggest beef processors, JBS USA Holdings Inc., Tyson Foods Inc., Cargill Inc. and National Beef Packing Co. The department has indicated that the beef-related subpoenas extend to activities of Tyson and JBS in the pork markets as well.¹

Very truly yours,

LOCKRIDGE GRINDAL NAUEN P.L.L.P.

A handwritten signature in black ink that reads "Brian D. Clark". The signature is written in a cursive, flowing style.

Brian D. Clark

BDC/ssl

¹ See Jacob Bunge and Brent Kendall, *Justice Department Issues Subpoenas to Beef-Processing Giants*, *Wall Street Journal*, June 5, 2020, <https://www.wsj.com/articles/justice-department-issues-subpoenas-to-beef-processing-giants-11591371745> (“JBS and Tyson also are leading pork producers, and the department is seeking information on their activities in that market as well, some of the people said.”)